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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 29 January 2015 from the Permanent Mission of Cabo Verde to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Cabo Verde to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit herewith its first national report on the implementation of the above-mentioned resolution (see annex).

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Annex to the note verbale dated 29 January 2015 from the Permanent Mission of Cabo Verde to the United Nations addressed to the Chair of the Committee

Report of the Republic of Cabo Verde on its implementation of Security Council resolution 1540 (2004)

Introduction

The Republic of Cabo Verde is often praised as an example among countries for its political stability, good governance and developmental growth, despite its lack of natural resources. It is a multiparty parliamentary democracy in which the constitutional powers are shared between the elected Head of State (the President of the Republic), the executive power (the Government) and the parliament (the National Assembly).

The legal system, based on the Constitution adopted in September 1992 and its subsequent revisions, promotes democratic values and guarantees the separation of powers. National laws provide for an independent judiciary, and the Government generally respects this provision in practice.

The Constitution and national laws provide for freedom of speech and of the press, and the Government generally respects these rights. The independent media are active and express a variety of views without direct restriction.

With regard to security issues, Cabo Verde, like other countries in the region, faces the challenges of drugs and arms trafficking, illegal migration, piracy, organized crime and terrorism. These illicit activities often affect the economy and social development of the country, while money-laundering has contributed to a construction and real estate boom. Controlling an extensive maritime exclusive economic zone (nearly 800,000 km^2) is a major challenge facing Cabo Verde that stems from its proximity to the Sahel region.

However, as far as peace is concerned, the challenges of Cabo Verde are much smaller than those of other countries in the region, where terrorism is possibly associated with Islamic fundamentalism.

Pursuant to Security Council resolution 1540 (2004), the Ministry of External Relations, through the Permanent Mission of Cabo Verde to the United Nations, presents to the Security Council Committee established pursuant to resolution 1540 (2004) the first report of the Government of Cabo Verde on steps it has taken or intends to take to implement resolution 1540 (2004).

Paragraph 1

Cabo Verde does not possess nuclear, chemical or biological weapons, or their means of delivery, and is committed to disarmament and the non-proliferation of such weapons nationally, regionally and globally.

The Government of Cabo Verde does not provide any support to non-State actors attempting to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery.

In support of these non-proliferation objectives, Cabo Verde is party to the following multilateral arms control and non-proliferation treaties and conventions, which, according to the Constitution, are part of domestic national law and related arrangements:

- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction
- Treaty on the Non-Proliferation of Nuclear Weapons
- Comprehensive Nuclear-Test-Ban Treaty
- Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water
- African Nuclear-Weapon-Free Zone Treaty

Cabo Verde is also party to 12 of 19 international conventions and protocols on counter-terrorism, those below in particular having requirements contributing to the prohibition of proliferation-related activities and the use of nuclear, chemical and biological weapons, which are also relevant to the implementation of resolution 1540 (2004):

- Convention on the Physical Protection of Nuclear Material
- International Convention for the Suppression of Terrorist Bombings
- International Convention for the Suppression of the Financing of Terrorism

Cabo Verde has signed, but not yet ratified, the Amendment to the Convention on the Physical Protection of Nuclear Material and is a partner nation in the Global Initiative to Combat Nuclear Terrorism. Its application for membership in the International Atomic Energy Agency (IAEA) has been accepted but awaits further decision-making.

Additionally, Cabo Verde has subscribed to the International Code of Conduct against Ballistic Missile Proliferation.

Paragraph 2

In accordance with article 12, paragraph 4, of the Constitution of Cabo Verde, the rules and principles of general international law or common law and international conventions that have been validly approved or ratified take precedence, after their entry into force in international law and domestically, over all legislative and regulatory acts of domestic origin. This means that the treaties and conventions to which Cabo Verde is party, as listed above, have become part of national domestic law.

Law No. 31/VIII/2013 is a major piece of legislation that gives effect to the main multilateral non-proliferation treaties and conventions and to resolution 1540 (2004). The law deals with all types of armaments, including biological, chemical and radiological weapons and nuclear explosive devices, as noted in article 3 and annex I of the law. Particular requirements of resolution 1540 (2004), stated in

paragraphs 2, 3 and 8 (d), are further addressed in chapter X, particularly in the following articles:

- Article 90 (on prohibitions and penalties, of relevance to paragraph 2, and on measures regarding storage and export, of relevance to paragraph 3)
- Articles 91, 93 and 94 (on brokering and penalties, of relevance to paragraph 3)
- Article 92 (on illicit trafficking and penalties, including for the import, export, transit, trans-shipment and transport from or through the national territories of the Economic Community of West African States (ECOWAS) and other States party to arms conventions ratified by Cabo Verde)
- Article 100 (on the penalties related to articles 90, 91 and 92 when the non-State actor is a company or industry, of relevance to paragraphs 2, 3 and 8 (d))

In January 2013, Law No. 27/VIII/2013, on anti-terrorism, was adopted. Among its provisions that can contribute to the implementation of resolution 1540 (2004) are those prohibiting terrorism and its financing.

Additionally, Cabo Verde has Law No. 28/VII/2009, on countering money-laundering, in which it proposed the establishment of a financial intelligence unit. Cabo Verde set up such a unit through Law No. 12/IX/2012, which has provisions for reporting and investigating suspicious financial transactions. The central bank had been taking the lead on countering money-laundering and related financial crimes, but in 2012 this was revised so as to have the financial intelligence unit take on the role previously held by the central bank and have it become an independent governmental entity, although located within the Ministry of Justice. In September 2013, Cabo Verde applied to become a member of the Egmont Group of Financial Intelligence Units.

The 2009 law on countering money-laundering is due to be amended in 2015 to take into account new Financial Action Task Force recommendations that contribute to non-proliferation. The new law will thus be an improved contribution to the implementation of resolution 1540 (2004) in this financial area.

The International Monetary Fund conducted an evaluation in 2007 through the Intergovernmental Action Group against Money Laundering in West Africa, to provide a baseline measure of the financial, legislative and related operational capabilities of Cabo Verde (available at www.giaba.org/reports/mutual-evaluation/Cabo%20Verde.html). The next evaluation (second round) is scheduled to start in 2016 and is expected to take into account legislative and operational developments since 2007, including those mentioned above.

In addition to the entities of the National Security Council and the Government responsible for implementing the above-mentioned legislation, Cabo Verde has national crisis management processes that might also be used in the event of a national security incident or crisis related to the concerns of resolution 1540 (2004). For example, a multi-ministerial crisis commission was set up in November 2014 to manage the devastating consequences of volcanic activity on the island of Fogo, which led to the subsequent relocation of residents and related disaster management. Such commissions are led by the Ministry of the Interior and receive contributions from, inter alia, the Civil Protection Service, the Red Cross, mayors (presidents of municipalities) and the Ministry of Defence.

Paragraph 3

The national authority of Cabo Verde that deals with chemical security measures and the implementation of the Chemical Weapons Convention is situated within the Ministry of External Relations.

Cabo Verde has customs registration procedures and licenses entities to import, handle and store poisons and medicines. Law No. 59/2006 deals with import and export control and the licensing of medicines and Legislative Decree No. 34/2007 and accompanying regulation 32/2007 regulates pharmacies. This legislation is in line with the technical standards and norms of European Union legislation, and Cabo Verde is working in partnership with the European Union to make improvements.

The following legislation and regulations related to safety, security, public health and the environment contribute to the implementation of paragraph 3 of resolution 1540 (2004):

- Ministerial Decree 1-F91 of 25 January 1991, which establishes norms and procedures to be followed by industrial enterprises with regard to the storage, transport, treatment, use and disposal of biological, chemical and toxic products.
- The Rotterdam Convention on Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (ratified on 1 March 2006).
- Legislative Decree No. 26/1997 of 20 March 1997, concerning the import, commercial trade and use of toxins and chemicals, as well as phytosanitary issues.
- An IAEA safeguards agreement, in line with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and the additional protocol, both signed by Cabo Verde on 28 June 2005 (not yet in force).
- The International Health Regulations (2005), to which Cabo Verde is party, complements the implementation of resolution 1540 (2004). Steps taken by Cabo Verde to implement the International Health Regulations include the placement of a health safety official/office at each main sea and airport in the country to address biological, chemical and radioactive materials of concern in cargos that might cause security and public health crises.
- Customs Legislative Decree No. 4/2010 of 3 June 2010, which addresses import, export, transit and trans-shipment issues relevant to the implementation of resolution 1540 (2004). Cabo Verde works within ECOWAS on customs cooperation and coordination. In 2015, a new common customs tariff will be implemented by all members of ECOWAS.
- In support of work at the borders, customs offices make use of the Automated System for Customs Data. This is useful in profiling items for risk assessment, including that of commodities and items associated with resolution 1540 (2004). For example, the Harmonized Commodity Description and Coding System can be used in the Automated System for early identification of the more commonly traded chemical precursors associated with the Chemical Weapons Convention. Such profiling and assessment processes are multi-purpose in Cabo Verde customs, as they are also used to deal with items and goods of concern arising from other conventions such as the Convention on Psychotropic Substances and the Rotterdam Convention.

Paragraph 7

Request for assistance:

In a manner similar to its Law No. 31/VIII/2013, which harmonizes controls on all armaments, including biological, chemical and nuclear weapons, Cabo Verde is interested in harmonizing its legislation or regulations on the pharmacy sector. For example, it is interested in learning more about existing control lists, such as the list of dual-use items contained in European Union Regulation (EU) No. 388/2012 amending Council Regulation (EC) No. 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transfer of dual-use items.

Workshops and seminars on issues addressed by resolution 1540 (2004) should be organized in Cabo Verde, with technical support from the United Nations, to raise awareness among public servants, as well as in the high schools and universities.

Point of contact

Cabo Verde provides the following information on the point of contact for communication with the Committee:

Joaquim Lopes Maia, Jr.
Minister Plenipotentiary
Telephone: +002382607887
E-mail: Joaquim.Maia@mirex.gov.cv

Address:

Ministry of External Relations,
National Directorate of External Politics and Cooperation
BP No. 60, Palácio das Comunidades
Praia, ASA

Experience and lessons learned

In its resolution 1977 (2011) the Security Council promoted the sharing of experience, lessons learned and effective practices in the implementation of resolution 1540 (2004). As national reports are posted on the Committee website, other countries have the opportunity to read them and perhaps adapt the information contained in them to their own national circumstances so to facilitate their implementation of resolution 1540 (2004).

Relevant experiences might include:

- The use of existing senior-level interministerial/multi-departmental committees and processes to deal with national security crises (the commissions and processes for crises established in Cabo Verde might serve as examples of the possibilities for such uses should a threat or incident related to resolution 1540 (2004) arise)
- The benefits of harmonized legislation such as Law No. 31/VIII/2013

Enclosure

Matrix of Cabo Verde

The information in the matrices submitted by States originates primarily from national reports and is complemented by official government information, including that made available to intergovernmental organizations. The matrices are prepared under the direction of the Security Council Committee established pursuant to resolution 1540 (2004).

The Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable it to continue to enhance its dialogue with States on their implementation of resolution 1540 (2004).

The matrices are not a tool for measuring compliance of States with their non-proliferation obligations but for facilitating the implementation of Security Council resolutions 1673 (2006), 1810 (2008), 1977 (2011) and 1540 (2004). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Council or any of its organs, of a State's compliance with its non-proliferation obligations or any other obligations. Information on voluntary commitments is for reporting purposes only and does not in any way constitute a legal obligation arising from resolution 1540 (2004) or successive resolutions.

Paragraph 1 and related matters from paragraphs 5, 6, 8 (a), (b) and (c) and 10

State: Cabo Verde
Date: 19 December 2014

Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues		*YES*	*If YES, relevant information (i.e., signing, accession, ratification, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
1	Treaty on the Non-Proliferation of Nuclear Weapons	X	Deposit, 24 October 1979	
2	African Nuclear-Weapon-Free Zone Treaty and its protocols	?	Treaty, signature, 11 April 1996	
3	International Convention for the Suppression of Acts of Nuclear Terrorism			
4	Convention on the Physical Protection of Nuclear Material	X	Deposit, 23 February 2007	
5	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)			
6	Comprehensive Nuclear-Test-Ban Treaty (not in force)	X	Deposit, 1 March 2006	

	Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues	*YES*	*If YES, relevant information (i.e., signing, accession, ratification, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
7	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction	X	Deposit, 10 October 2003	
8	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction	X	Deposit, 20 October 1977	
9	Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare	X	Deposit, 15 October 1991	
10	Other treaties, conventions and protocols	X	International Convention for the Suppression of Terrorist Bombings, accession, 10 May 2002 International Convention for the Suppression of the Financing of Terrorism, ratification, 10 May 2002 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, deposit, 24 October 1979 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (Sea-bed Treaty), deposit, 24 October 1979 Organization of African Unity Convention on the Prevention and Combating of Terrorism, deposit, 26 June 2002 Protocol to the Organization of African Unity Convention on the Prevention and Combating of Terrorism, signature, 27 January 2012 Convention on Offences and Certain Other Acts Committed on Board Aircraft, deposit, 4 October 1989 Convention on the Physical Protection of Nuclear Material, deposit, 23 February 2007 Convention on the Marking of Plastic Explosives for the Purpose of Detection, deposit, 4 November 2002	

Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues		*YES*	*If YES, relevant information (i.e., signing, accession, ratification, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
			Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (and its protocols I-IV), accession, 16 September 1997 (resolution 45/V/97 (Official bulletin No. 23)) Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, signature, 4 December 1997, ratification, 14 May 2001 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, accession, 3 October 1979 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, deposit, 20 October 1977, came into force on 25 January 1991 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, accession, 15 October 1991 African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba) and its Protocols, signature 11 April 1996 (Resolution No. 70 / V / 97, BO No. 50, Supplement 3, series I, of 31 December 1997) Comprehensive Nuclear-Test-Ban Treaty, signature, 1 October 1996, ratification, 1 March 2006 Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials (resolution 104/VII/2009 (Official bulletin No. 25) — 22 June 2009 Convention on Cluster Munitions, signature, 3 December 2008 (approval of Convention ratification contained in resolution 137/VII/2010).	

Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues		*YES*	*If YES, relevant information (i.e. signing, accession, ratification, etc.)*	*Remarks (information refers to the page of the English version of the national report or an official website)*
11	International Atomic Energy Agency (IAEA)	?	Membership was approved by the IAEA General Conference in 2007 and will take effect once Cabo Verde deposits the necessary legal instruments with the IAEA	
12	International Code of Conduct against Ballistic Missile Proliferation	X	Subscribed	
13	Other arrangements			
14	General statement on non-possession of weapons of mass destruction			
15	General statement on commitment to disarmament and to non-proliferation	X	Stated opposition to the use of weapons of mass destruction and alignment with initiatives towards their eradication	
16	General statement on non-provision of weapons of mass destruction and related materials to non-State actors			
17	Other[a]	X	State party to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, as revised	

[a] Including, as appropriate, information with regard to membership in relevant international, regional or subregional organizations.

Paragraph 2: nuclear, chemical and biological weapons

Does national legislation exist prohibiting persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*				*Enforcement: civil criminal penalties and others*				*Remarks*
		YES			*If YES, source document of national implementation law*	*YES*			*If YES, source document*	
		Nuclear	*Chemical*	*Biological*		*Nuclear*	*Chemical*	*Biological*		
1	Manufacture/ production	X	X	X	**Nuclear weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1	X	X	X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Biological weapons:** Law No. 31/VIII/2013, 22 May 2013, chap X, arts. 90 to 100	

Does national legislation exist prohibiting persons or entities from engaging in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES			If YES, source document of national implementation law	YES			If YES, source document	
		Nuclear	Chemical	Biological		Nuclear	Chemical	Biological		
2	Acquisition	X	X	X	**Nuclear weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1				**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Biological weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100	

Does national legislation exist prohibiting persons or entities from engaging in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil criminal penalties and others				Remarks
		YES			If YES, source document of national implementation law	YES			If YES, source document	
		Nuclear	Chemical	Biological		Nuclear	Chemical	Biological		
3	Possession	X	X	X	**Nuclear weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1	X	X	X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Biological weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100	

Does national legislation exist prohibiting persons or entities from engaging in one of the following activities? Can violators be penalized?		National legal framework				Enforcement, civil/criminal penalties and others				Remarks
		YES			If YES, source document of national implementation law	YES			If YES, source document	
		Nuclear	Chemical	Biological		Nuclear	Chemical	Biological		
4	Stockpiling/ storage	X	X	X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1	X	X	X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Biological weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100	
5	Development		X	X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1				**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100	

Does national legislation exist prohibiting persons or entities from engaging in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil criminal penalties and others				Remarks
		YES			If YES, source document of national implementation law	YES			If YES, source document	
		Nuclear	Chemical	Biological		Nuclear	Chemical	Biological		
					Biological weapons: Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1				**Biological weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100	
6	Transport	X	X	X	**Nuclear weapons:** Penal Code, art. 294 (4) Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Penal Code, art. 294 (4) Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Penal Code, art. 294 (4) Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1	X	X	X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Biological weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100	
7	Transfer	X	X	X	**Nuclear weapons:** Penal Code, art. 294 (4) Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value	X	X	X	Chap. X, arts. 90 to 100	

Does national legislation exist prohibiting persons or entities from engaging in one of the following activities? Can violators be penalized?		*National legal framework*				*Enforcement: civil/criminal penalties and others*				*Remarks*
		YES				*YES*				
		Nuclear	*Chemical*	*Biological*	*If YES, source document of national implementation law*	*Nuclear*	*Chemical*	*Biological*	*If YES, source document*	
					Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Constitution of the Republic, art. 12 (4)					
8	Use	X	X	X	**Nuclear weapons:** Penal Code, art. 296 (2) Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Constitution of the Republic, art. 12 (4) Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1	X	X	X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Biological weapons:** Penal Code, arts. 296 (2), 299 and 315	
9	Participation as an accomplice in the above-mentioned activities			X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Constitution of the Republic art. 12 (4)				**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100	

Does national legislation exist prohibiting persons or entities from engaging in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil criminal penalties and others				Remarks
		YES			If YES, source document of national implementation law	YES			If YES, source document	
		Nuclear	Chemical	Biological		Nuclear	Chemical	Biological		
10	Assisting in the above-mentioned activities		X	X	**Nuclear weapons:** Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Biological weapons:** Constitution of the Republic, art. 12 (4)				**Chemical weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100 **Biological weapons:** Law No. 31/VIII/2013, 22 May 2013, chap. X, arts. 90 to 100	
11	Financing the above-mentioned activities	X	X	X	**Nuclear weapons:** Law No. 17/VI/2002, 16 December 2002 (Official Bulletin No. 36) Law No. 31/VIII/2013, 22 May 2013, art. 3 and table 1 **Chemical weapons:** Law No. 17/VI/2002, 16 December 2002 (Official Bulletin No. 36) **Biological weapons:** Law No. 17/VI/2002, 16 December 2002 (Official Bulletin No. 36)	X	X	X	**Nuclear weapons:** Law No. 17/VI/2002, 16 December 2002 (Official Bulletin No. 36) Law No. 27/VIII/2013, 21 January 2013 **Chemical weapons:** Law No. 17/VI/2002, 16 December 2002 (Official Bulletin No. 36) Law No. 27/VIII/2013, 21 January 2013 **Biological weapons:** Law No. 27/VIII/2013, 21 January 2013 Law No. 17/VI/2002, 16 December 2002 (Official Bulletin No. 36)	

Does national legislation exist prohibiting persons or entities from engaging in one of the following activities? Can violators be penalized?		National legal framework				Enforcement: civil/criminal penalties and others				Remarks
		YES			If YES, source document of national implementation law	YES			If YES, source document	
		Nuclear	Chemical	Biological		Nuclear	Chemical	Biological		
12	Above-mentioned activities related to means of delivery[b]			X	**Biological weapons:** Constitution of the Republic, art. 12 (4): The rules and principles of general or common international law or of conventional international law, validly approved or ratified, take precedence, after their entry into force in international and domestic legal systems, over all domestic legislative and regulatory acts of infra-constitutional value				**Chemical weapons:** Law No. 27/VIII/2013, 21 January 2013	
13	Involvement of non-State actors in the above-mentioned activities								**Nuclear weapons:** Law No. 27/VIII/2013, 21 January 2013 **Chemical weapons:** Law No. 27/VIII/2013, 21 January 2013 **Biological weapons:** Law No. 27/VIII/2013, 21 January 2013	
14	Other								**Nuclear weapons:** Law No. 27/VIII/2013, 21 January 2013 **Chemical weapons:** Law No. 27/VIII/2013, 21 January 2013 **Biological weapons:** Law No. 27/VIII/2013, 21 January 2013	

[b] Means of delivery: missiles, rockets and other unmanned systems, capable of delivering nuclear, chemical or biological weapons, that are specially designed for such use.

Paragraphs 3 (a) and (b): accounting for, securing or physically protecting nuclear, chemical and biological weapons, including related materials[c]

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect nuclear, chemical and biological weapons and related materials? Can violators be penalized?		*National legal framework*				*Enforcement: civil/criminal penalties and others*				*Remarks*
		YES			*If YES, source document*	*YES*			*If YES, source document*	
		Nuclear	*Chemical*	*Biological*[d]		*Nuclear*	*Chemical*	*Biological*		
1	Measures to account for production									
2	Measures to account for use	?			**Nuclear weapons:** Ministerial Decree 1-F91 (Spanish to English translation laying down a set of rules to be observed by industrial companies transported, stored, handled, treated and disposed of toxic or hazardous)					
3	Measures to account for storage									
4	Measures to account for transport									
5	Other measures for accounting									
6	Measures to secure production									
7	Measures to secure use									
8	Measures to secure storage									
9	Measures to secure transport									
10	Other measures for securing		X		**Chemical weapons:** Legislative Decree No. 5 of 1999 amending the Code of Waters		X		**Chemical weapons:** National Institute for the Management of Water Resources	

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect nuclear, chemical and biological weapons and related materials? Can violators be penalized?	*National legal framework*				*Enforcement: civil, criminal penalties and others*				*Remarks*
		YES			*If YES, source document*	*YES*			*If YES, source document*	
		Nuclear	*Chemical*	*Biological*[d]		*Nuclear*	*Chemical*	*Biological*		
11	Regulations for the physical protection of facilities, materials and transport									
12	Licensing and registration of installations, facilities, persons, entities, use and handling of materials	X	X	X						
13	Reliability check of personnel									
14	Measures to account for, secure and physically protect the means of delivery									

[c] Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

[d] Information required in this section may also be available in the State's confidence-building measures report, if submitted to the Biological Weapons Convention Implementation Support Unit (see: http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument).

Paragraphs 3 (a) and (b): accounting for/securing/physically protecting nuclear weapons, including related materials (nuclear weapons-specific)

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect nuclear weapons and related materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil criminal penalties and others*		*Remarks*
		YES	*If YES, source document*	*YES*	*If YES, source document*	
1	National regulatory authority					
2	IAEA safeguards agreements	?	1. Safeguards agreement, signed 28 June 2005 (not yet in force) 2. Additional protocol, signed 28 June 2005 (not yet in force) 3. Small quantities protocol: Amended 27 March 2006 (not yet in force)	?	1. Safeguards agreement, signed 28 June 2005 (not yet in force) 2. Additional protocol, signed 28 June 2005 (not yet in force) 3. Small quantities protocol, amended 27 March 2006 (not yet in force)	
3	IAEA Code of Conduct on the Safety and Security of Radioactive Sources					
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources					
5	IAEA Incident and Trafficking Database					
6	Other IAEA-related agreements					
7	Additional national legislation and regulations related to nuclear materials, including the Convention on the Physical Protection of Nuclear Material					
8	Other					

Paragraphs 3 (a) and (b): accounting for/securing/physically protecting chemical weapons, including related materials (chemical weapons-specific)

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect chemical weapons and related materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil criminal penalties and others*		*Remarks*
		YES	*If YES, source document*	*YES*	*If YES, source document*	
1	National Chemical Weapons Convention authority	X	Ministry of External Relations	X	Ministry of External Relations	
2	Reporting schedule I, II and III chemicals to the Organization for the Prohibition of Chemical Weapons					
3	Accounting for, securing or physically protecting "old chemical weapons"					
4	Other legislation and regulations controlling chemical materials					
5	Other					

Paragraphs 3 (a) and (b): accounting for/securing/physically protecting biological weapons, including related materials (biological weapons-specific)

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect biological weapons and related materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil criminal penalties and others*		*Remarks*
		YES	*if YES, source document*	*YES*	*if YES, source document*	
1	Regulations on genetic engineering work					
2	Other legislation and regulations related to the safety and security of biological materials					
3	Other					

Paragraphs 3 (c) and (d) and related matters from paragraphs 6 and 10: controls of nuclear, chemical and biological weapons, including related materials

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export import and other transfers of Nuclear weapons, Chemical weapons, Biological weapons and related materials? Can violators be penalized?		*National legal framework*				*Enforcement - civil criminal penalities and measures of implementation, etc.*				*Remarks*
		YES				*YES*				
		Nuclear	*Chemical*	*Biological*	*If YES, source document*	*Nuclear*	*Chemical*	*Biological*	*If YES, source document*	
1	Border control	X	X	X	**Nuclear weapons:** The Customs Directorate General has the mandate to forbid prohibited and restricted products (those dangerous to public health or the environment) from entering national territory. **Chemical weapons:** The Customs Directorate General has the mandate to forbid prohibited and restricted products (those dangerous to public health or the environment) from entering national territory. **Biological weapons:** The Customs Directorate General has the mandate to forbid prohibited and restricted products (those dangerous to public health or the environment) from entering national territory.					
2	Technical support of border control measures	X	X	X						
3	Control of brokering, trading in, negotiating or otherwise assisting in the sale of goods and technology	X	X	X						
4	Enforcement agencies and authorities	X	X	X	**Nuclear weapons:** Customs Directorate General **Chemical weapons:** Customs Directorate General **Biological weapons:** Customs Directorate General					

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export import and other transfers of Nuclear weapons, Chemical weapons, Biological weapons and related materials? Can violators be penalized?		*National legal framework*				*Enforcement: civil criminal penalties and measures of implementation, etc.*				*Remarks*
		YES			*If YES, source document*	*YES*			*If YES, source document*	
		Nuclear	*Chemical*	*Biological*		*Nuclear*	*Chemical*	*Biological*		
5	Export control legislation in place	X	?	?	**Nuclear weapons:** Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal Legislative Decree No. 25/98 of 29 June 1998 on international trade restrictions on radioactive products, chemical radioactive products, radioactive isotopes and nuclear material **Chemical weapons:** Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal **Biological weapons:** Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal Legislative Decree No. 25/98 of 29 June 1998 on international trade restrictions on specimens for zoology and botany					
6	Licensing provisions	X	?	?	**Nuclear weapons:** Legislative Decree No. 68/2005 of 31 October 2005 **Chemical weapons:** Legislative Decree No. 68/2005 of 31 October 2005 **Biological weapons:** Legislative Decree No. 68/2005 of 31 October 2005					
7	Individual licensing									
8	General licensing									
9	Exceptions from licensing									
10	Licensing of deemed export/ visa									

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export import and other transfers of Nuclear weapons, Chemical weapons, Biological weapons and related materials? Can violators be penalized?		National legal framework				Enforcement: civil criminal penalties and measures of implementation, etc.				Remarks
		YES			If YES, source document	YES			If YES, source document	
		Nuclear	Chemical	Biological		Nuclear	Chemical	Biological		
11	National licensing authority	X	?	?	**Nuclear weapons:** Legislative Decree No. 68/2005 of 31 October 2005 **Chemical weapons:** Legislative Decree No. 68/2005 of 31 October 2005 **Biological weapons:** Legislative Decree No. 68/2005 of 31 October 2005	X	?	?	**Nuclear weapons:** General Directorate of Commerce: Ministry of Economy, Growth and Competitiveness **Chemical weapons:** General Directorate of Commerce: Ministry of Economy, Growth and Competitiveness **Biological weapons:** General Directorate of Commerce: Ministry of Economy, Growth and Competitiveness	
12	Inter-agency review for licences									
13	Control lists	X		?	**Nuclear weapons:** Legislative Decree No. 25/98 of 29 June 1998 — restricted and prohibited items list **Biological weapons:** Legislative Decree No. 25/98 of 29 June 1998 — restricted and prohibited items list					
14	Updating of lists									
15	Inclusion of technologies									
16	Inclusion of means of delivery									

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export import and other transfers of Nuclear weapons, Chemical weapons, Biological weapons and related materials? Can violators be penalized?		*National legal framework*				*Enforcement: civil criminal penalties and measures of implementation, etc.*				*Remarks*
		YES			*If YES, source document*	*YES*			*If YES, source document*	
		Nuclear	*Chemical*	*Biological*		*Nuclear*	*Chemical*	*Biological*		
17	End user controls									
18	Catch-all clause									
19	Intangible transfers									
20	Transit control									
21	Trans-shipment control									
22	Re-export control									
23	Control of providing funds	X	X	X						
24	Control of providing transport services									
25	Control of importation	X	X	X	**Nuclear weapons:** Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal Legislative Decree No. 25/98 of 29 June 1998 — restricted and prohibited items list **Chemical weapons:** Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal **Biological weapons:** Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal Legislative Decree No. 25/98 of 29 June 1998 — restricted and prohibited items list					

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export, import and other transfers of Nuclear weapons, Chemical weapons, Biological weapons and related materials? Can violators be penalized?	National legal framework						Enforcement, civil, criminal penalties and measures of implementation, etc.						Remarks
	YES				If YES, source document		YES				If YES, source document		
	Nuclear	Chemical	Biological				Nuclear	Chemical	Biological				
26 Extraterritorial applicability													
27 Other													

Paragraphs 6, 7 and 8 (d): Control lists, assistance and information

Can information be provided on the following issues?		*YES*		*Remarks*
1	Control lists — items (goods, equipment, materials and technologies)	X		Directorate General of Pharmacies
2	Control lists — other			
3	Assistance offered			
4	Assistance requested	X	Harmonization of the laws on pharmacies with the biological, chemical and radiological conventions of the United Nations	Directorate General of Pharmacies
5	Point of contact for assistance	X	Ministry of Health — Directorate General of Pharmacies	
6	Assistance in place (bilateral/multilateral)			
7	Work with and information to industry			
8	Work with and information to the public			
9	Point of contact			
10	Other[c]			

[c] Information may include references to the implementation of national action plans and visits to States, at their invitation, by the Committee.